

Delegated Report		Analysis sheet	Expiry Date:	22/01/2009
		N/A / attached	Consultation Expiry Date:	N/A
Officer			Application Number(s)	
Adrian Malcolm			2008/5784/P	
Application Address			Drawing Numbers	
2-20 Winchester Road & 157A Fellows Road London NW3 3NT			Stage D Acoustics Report; 2716-D018; 2716-D019; 2716- D018C, D019C, D020C, Engineering Services Acoustic Design Considerations & Stage D Acoustics Report by Hoare Lea	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Details of plant (including acoustic report) pursuant to condition 20 of the planning permission dated 21/06/2006 (2005/5580/P) for Redevelopment to provide 3 new buildings of part 3/part 5 stories plus basement, 5 stories plus basement and 8 stories plus basement and sub basement containing 76 residential units (comprising 51 private and 25 affordable units) , 416 sqm of commercial floorspace (comprising 312sqm Class A1 Retail, 104 sqm Class A2 Financial and Professional Services), 41 car parking spaces with new vehicular access from Fellows Rd plus associated hard and soft landscaping.				
Recommendation(s):		Refuse application		
Application Type:		Approval of Details		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	Environmental Health- It is not clear that acceptable internal noise levels would be achieved nor how this would be achieved. Night time noise levels indicated from emergency plant are too high. No information has been provided re vibration from the underground railway line around 30m from and possibly beneath the site- no vibration study provided.					
CAAC/Local groups* comments: *Please Specify	Belsize Residents Association- Eager to ensure the matter is checked meticulously by environmental health officers to ensure no nuisance is caused to local residents. Request that the equipment be checked when in use to ensure it does not cause nuisance as a result of poor maintenance.					

Site Description

The site stands at the southern end of Winchester Rd, south of its junction with Fellows Rd, in a primarily residential area around 200m from Swiss Cottage Underground Station. The application site itself was previously occupied by a post-war 3-storey block comprising ground floor shop units with 8 private 3-bedroom residential units above, plus hard surfaced parking/service areas to the rear of the block with access from Fellows Rd. A 3-storey 4-bedroom house at the end of a post-war terrace of houses on Fellows Rd has also been included in the application site.

Relevant History

2005/5580/P- 21 June 2006: planning permission granted subject to a legal agreement for redevelopment to provide 3 new buildings of part 3/part 5 plus basement, 5 stories plus basement and 8 stories plus basement and sub basement containing 76 residential units (comprising 51 private and 25 affordable units), 416 sqm of commercial floorspace (comprising 208sqm Class A1 Retail, 104sqm Class A2 Financial and Professional Services and 104sqm Class B1 Business Use) and 41 car parking spaces with new vehicular access from Fellows Rd, plus associated hard and soft landscaping (following an earlier withdrawal of a similar scheme in October 2005). The current application that is the subject of this report is a submission of details pursuant to compliance with one of the conditions attached to permission ref. 2005/5580/P.

Relevant policies

Replacement Unitary Development Plan- Policies SD7 and B1

Assessment

Condition 20 reads as follows:

'Details of plant (including an acoustic report) to be installed as part of the development shall be submitted to and approved by the local planning authority prior to commencement of the development. The development shall only be carried out in accordance with such details, including specified maximum noise levels.'

Reason for condition:

To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with Policies EN5 and EN13 of the Adopted Camden UDP 2000 and Policies SD7 and B1 of the Revised Deposit Draft Camden UDP 2004, as amended.'

As can be seen from the summary of the environmental health officer's comments above, the Council is not currently satisfied that sufficient evidence has been provided to demonstrate that noise and vibration generating from the plant will be such as to prevent nuisance to residential occupiers and to the area. This has been raised with the applicant, who are liaising with the environmental health section to address the outstanding matters and indicated that they may wish to withdraw this application and resubmit, however no such confirmation has been received and a decision is now due. The plant would be positioned within the building in the basement areas, thus its external appearance is not a problem.

It is recommended that this application be refused, as the submitted details are insufficient to satisfy the condition reason and its reasons.

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